

1 Defendant requests to withdraw his § 2255 motion (ECF No. 33)
2 pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). The
3 United States did not file an opposition to the § 2255 motion.
4 Accordingly, the court will allow defendant to withdraw his § 2255
5 motion. In granting the motion to withdraw, the court makes no
6 determination as to whether a new § 2255 motion that defendant may
7 file in the future would constitute a second or successive motion and
8 therefore require certification from the Ninth Circuit Court of
9 Appeals before being filed in U.S. District Court. See 28 U.S.C.
10 § 2255(h).

11 IT IS THEREFORE ORDERED that defendant's motion to voluntarily
12 withdraw his motion to vacate, set aside, or correct his sentence
13 pursuant 28 U.S.C. § 2255 (ECF No. 36) is **GRANTED**.

14 IT IS FURTHER ORDERED that defendant's motion to vacate, set
15 aside, or correct his sentence pursuant 28 U.S.C. § 2255 (ECF Nos. 32,
16 33) is **WITHDRAWN**.

17 IT IS FURTHER ORDERED that defendant's *pro se* motion seeking
18 § 2255 relief or, in the alternative, appointment of counsel (ECF No.
19 30) is **DENIED as moot**.

20 DATED: This 25th day of July, 2017.

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23 UNITED STATES DISTRICT JUDGE
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